

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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ALEX DELGADO,  
Petitioner,

v.

KATHLEEN M. DENNEHY,  
COMMISSIONER OF CORRECTION,  
Respondent.

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Civil Action No. 04-30124-MAP

**RESPONDENT'S STATUS REPORT**

The respondent herein submits the following status report pursuant to this Court's order of May 2, 2006, ordering the parties, either jointly or separately, to indicate the present status of the above-captioned case and what remains to be done to resolve it. The respondent writes separately because the last actions in this case have been ex parte matters and undersigned counsel is not aware of any subsequent developments regarding these matters.

By way of background, the habeas petition was filed on June 30, 2004, and served on July 7, 2004. (See Civil Docket Items 1-2). The respondent filed an Answer and Supplemental Answer on September 16, 2004, containing briefs and decisions from the petitioner's state appeal. (Id. Items 7-8) The petitioner then filed a sealed ex parte motion which was allowed on August 2, 2005. (Id. at Items 14, 15, 18). Thus, according to the docket entries, the present status of the case is that the petitioner's sealed ex parte motion was allowed. No further action appears on the official docket. The respondent has no knowledge of the contents of the sealed ex parte motion or of events subsequent to its

allowance.

The respondent's attorney did glean from certain motions that the petitioner is seeking funds from this Court to pay for an expert to review and analyze data regarding the selection process of the Hamden County grand jury and/or the Essex County trial jury that were involved in the petitioner's 1992 indictment and trial. The respondent expressed her opposition to the request for funds to hire an expert in a Motion for Reconsideration of Allowance of Sealed Ex Parte Motion filed on June 3 , 2005 which was later denied.

In the respondent's view, the case could be resolved expeditiously in the same manner as are the vast majority of habeas corpus petitions, i.e., through the filing of memoranda by the parties on all procedural issues and/or the merits pursuant to a Scheduling Order by this Court. The state court record that the Supreme Judicial Court reviewed in deciding the petitioner's claims has been submitted and no further information, expert or otherwise, is necessary to the disposition of the petition.

Respectfully submitted,

THOMAS F. REILLY  
ATTORNEY GENERAL

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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the Electronic Case Filing system will be sent electronically to the registered participant as identified on the Notice of Electronic Filing.

**John M. Thompson  
Thompson & Thompson  
1331 Main Street  
Springfield, MA 01103**

**/s/ Annette C. Benedetto  
Annette C. Benedetto  
Assistant Attorney General**

**Dated: May 26, 2005.**